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12 GUARDSMARK, LLC  
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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17  
18 SAN FRANCISCO DIVISION

19 JOHNNY MCFARLAND, on behalf of  
20 himself and all others similarly situated,

21 Plaintiff,

22 vs.

23 GUARDSMARK, LLC, and Does 1  
24 through 50, inclusive,

25 Defendant.

CASE NO. CV 07-03953 PJH

AMENDED STIPULATION AND  
[PROPOSED] ORDER RE:  
GUARDSMARK'S MOTION FOR  
ATTORNEY'S FEES

1 WHEREAS, the Court entered judgment in this matter on August 26, 2008, and  
2 thus absent an Order of the Court, Guardsmark would need to file a motion seeking some or all of  
3 its incurred attorney's fees no later than September 9, 2008;

4 WHEREAS, Defendant Guardsmark, LLC has notified Plaintiff Johnny  
5 McFarland of Guardsmark's intent to file a motion seeking some or all of its incurred attorney's  
6 fees;

7 WHEREAS, district courts retain jurisdiction to hear post-judgment attorney's fee  
8 motions despite a pending appeal of the underlying case. *See, e.g., Masalosalo v. Stonewall Ins.*  
9 *Co.*, 718 F.2d 955, 957 (9th Cir. 1983);

10 WHEREAS, counsel for the parties are engaging in the meet and confer process,  
11 and counsel for Plaintiff need additional time for internal discussions on the issues raised by  
12 Guardsmark, and Guardsmark does not object to such an extension;

13 WHEREAS, Federal Rule of Civil Procedure 54 and Civil Local Rule 54-6 allow  
14 the Court, upon stipulation, to extend the 14-day deadline for a party to seek attorney's fees  
15 following judgment;

16 WHEREAS, it is understood that Plaintiff has not at this point in any way  
17 conceded that Guardsmark is entitled to attorney's fees in this case;

18 WHEREAS, an earlier submission of this stipulation had the incorrect extension  
19 date through a typographical error by defense counsel;

20 WHEREAS, the parties through their counsel of record stipulate to the entry of an  
21 order as follows:

22 ///

23 ///

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**IT IS HEREBY STIPULATED THAT:**

The deadline for Guardsmark to file its motion for attorney fees based on the judgment entered in this case is hereby extended by one week to September 16, 2008.

DATED: September 5, 2008

MUNGER, TOLLES & OLSON LLP

By: /s/ Malcolm A. Heinicke  
MALCOLM A. HEINICKE

Attorneys for Defendant  
GUARDSMARK, LLC

DATED: September 5, 2008

QUALLS & WORKMAN, L.L.P.

By: /s/ Daniel Qualls  
DANIEL QUALLS

Attorneys for Plaintiff  
JOHNNY MCFARLAND

I, Malcolm A. Heinicke, attest that I have obtained concurrence from Daniel Qualls in the filing of this Stipulation And [Proposed] Order Re: Guardsmark's Motion For Attorney Fees. See N.D. Cal. General Order 45 § 10(B).

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** The deadline for Guardsmark to file its motion for attorney fees based on the judgment entered in this case is hereby extended by one week to September 16, 2008.

DATED: 9/8/08

